IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 10692 of 2005

Between:

Edara Kotaiah, S/o. Venkaiah, r/o.Vipparlapalli (v), Rompicherla Mandal, Guntur District.

..... PETITIONER

A N D

1 The District Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narsaraopet, Guntur District.
3 The Mandal Revenue Officer, Rompicherla Mandal, Guntur District.
4 The Election Officer, 190-Annavaram Water Users, Association No.11, Rompichula Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction, more in the nature of Writ of Mandamus to direct the 1st respondent herein to cancel the election and to conduct re-poll of 190-Annavaram Water Users Association No.1 in pursuance of report submitted by 2nd respondent herein vide Rc.No.55/2005-C, dt.26-04-2005 by declaring the action the 1st respondent herein in not taking action against aforesaid report as illegal, void and biased and alternatively to direct the 1st respondent herein to consider and to dispose of the report of the 2nd respondent herein vide R.C.No.55/2005-C, dt.26-04-2005 and pass other order or orders at this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR. GADE VENKATESWARA RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT

The Court made the following at the admission stage **:** (Order follows 2nd page)

O R D E R :

This writ petition is filed to declare the action of the first respondent in not taking action pursuant to the report dated 26-4-2005 submitted by the second respondent in Proceedings RC.No.55/2005-C, as illegal, void and cancel the election and to conduct re-poll of 190-Annavaram Water Users' Association and consequently direct the first respondent to consider and dispose of the report of the second respondent.

The petitioner submits that the Annavaram Water Users Association No.1 consists of 12 Tribunal Committee members with 2473 voters. Notification was issued for conducting elections of the said association on 24-4-2005, the date of filing of nominations and withdrawal was 25-4-2005 and the date of election was slated on 26-4-2005. The petitioner filed his nomination to the 7th Tribunal Committee member and contested the same. During the conduct of elections, the Congress Party men of Rompicherla village obstructed the voters of Annavaram, Tungapadu and Vipparlapalli villagers at its outskirts with bombs and sticks and put the voters with dire consequences if they enter Rompicherla village and as such, the voters could not enter the village to exercise their votes. On 26-4-2005, 300 voters of Annavaram and Tungapadu villages made representation and pursuant to the report dated 26-4-

2005 of Station House Officer, Rompicherla Police Station, the second respondent submitted a report dated 26-4-2005 to the first respondent in Proceedings RC.No.55/2005-C and intimated the request of the voters to cancel the elections and conduct re-poll to Annavaram Water Users Association No.1. Pursuant to the report dated 26-4-2005, the first respondent did not take any action to cancel the said election and order for re-poll. The petitioner therefore seeks indulgence of this court to direct the first respondent to cancel the election and order for re-poll, as the results are not published by the fourth respondent till date.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Irrigation and Command Area Development and as seen from the Proceedings RC.No.55/2005-C, dated 26-4-2005 of the second respondent addressed to the District Collector, Guntur stating that 300 voters of Annavaram and Tungapadu village staged dharna infront of the Office of Revenue Divisional Office, Narasaraopet at 03:00 p.m. on 26-4-2005 and presented a representation with regard to the obstructions made by Congress party men of Rompicherla village with bombs and sticks. Further the Station House Officer, Rompicherla Police Station also filed a report on 26-4-2005 at 05:30 p.m. explaining the circumstances warranting the police to swung into action and finally stated that one group of voters of Annavaram and Tungapadu villages participated in the election at Rompicherla village. Moreover, the reports of the Election Officer and Mandal Revenue Officer, Rompicherla are not received by the second respondent and still enquiry is not completed. At this stage, this Court sitting under Article 226 of the Constitution of India feels not desirable to interfere into the matter when the reports are not received

from the Election Officer as well as Mandal Revenue Officer. The writ petition fails and is liable to be dismissed.

In the result, the writ petition is accordingly dismissed at the admission stage. No order as to costs.

APRIL 29th, 2005. ----------

I S L **ELIPE DHARMA RAO , J**.

To

1 The District Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narsaraopet, Guntur District.
3 The Mandal Revenue Officer, Rompicherla Mandal, Guntur District.
4 The Election Officer, 190-Annavaram Water Users,
Association No.11, Rompichula Mandal, Guntur District

5 One CC to Govt.Pleader for Irrigation and Command Area

Development, High Court Buildings, Hyderabad.

6 Two CD copies.